

COMMONWEALTH OF VIRGINIA
BOARD OF EDUCATION
RICHMOND, VIRGINIA

MINUTES

May 27, 2010

The Board of Education and the Board of Career and Technical Education met at the James Monroe State Office Building, Jefferson Conference Room, 22nd Floor, Richmond, with the following members present:

Mrs. Eleanor B. Saslaw, President
Dr. Ella P. Ward, Vice President
Mrs. Betsy D. Beamer
Dr. Billy K. Cannaday, Jr.
Mrs. Isis M. Castro

Mr. David M. Foster
Mr. David L. Johnson
Mr. K. Rob Krupicka
Dr. Virginia L. McLaughlin

Dr. Patricia I. Wright, Superintendent of
Public Instruction

Mrs. Saslaw called the meeting to order at 9 a.m.

MOMENT OF SILENCE/PLEDGE OF ALLEGIANCE

Mrs. Saslaw asked for a moment of silence, and Mrs. Castro led in the Pledge of Allegiance.

APPROVAL OF MINUTES

Dr. Ward made a motion to approve the minutes of the April 21-22, 2010, meeting of the Board. The motion was seconded by Mrs. Castro and carried unanimously. Copies of the minutes had been distributed to all members of the Board of Education.

PUBLIC COMMENT

The following persons spoke during public comment:

Nora Jones
James Batterson
Frank Beylett
Arthur Almore

APPROVAL OF AGENDA

Item H, *Final Review of a Recommendation of the Advisory Board on Teacher Education and Licensure (ABTEL) to Approve Passing Scores for the Praxis II World Language Assessments in German, French, and Spanish and to Approve the Assessments and Passing Scores as Another Option to Meet Endorsement Requirements for Native Speakers or Candidates Who Have Learned the Foreign Language*, was deleted from the agenda and will be discussed at a later date.

Item M, *First Review of Proposed Amendments to Virginia's Consolidated State Application Accountability Plan Under the No Child Left Behind Act of 2001*, was added to the agenda.

ACTION/DISCUSSION: BOARD OF EDUCATION REGULATIONS

Final Review of Proposed Revisions to the Regulations Governing Educational Services for Gifted Students (8 VAC 20-40 et. seq) Following an Extended 30-Day Comment Period

Dr. Linda Wallinger, assistant superintendent for instruction, presented this item. Dr. Wallinger said that the current *Regulations Governing Educational Services for Gifted Students* were adopted by the Board of Education in 1993, and became effective in 1995. The next ten years provided additional research in best practices related to serving gifted students as well as indications that local advisory boards and programs would benefit from regulations that were better aligned with student needs. As a result, in 2006 and 2007, representatives of the Virginia Advisory Committee for the Education of the Gifted as well as an advisory group of representatives from school divisions and higher education met to provide guidance and insights to the proposed regulations. The 2007 proposed regulations included:

1. Additions to and revisions of definitions for critical terms;
2. Realignment of aspects of the screening, referral, identification, and placement components of the 1993 regulations;
3. Addition of parental rights, notification, consent, and appeals information;
4. Revision of components of the local plan for the education of the gifted;
5. Revision of the role and function of the local advisory committee for the education of the gifted to comply with Section 22.1-18.1 of the *Code of Virginia*; and
6. Addition of annual report expectations to comply with Section 22.1-18.1 of the *Code of Virginia*.

Upon signing the *Regulations*, Governor Kaine directed the Department of Education to initiate a study to analyze disproportionately low representation of minority students in gifted education. The *Regulations* were then posted to the Town Hall on February 1, 2010. During the required 30-day posting to the Town Hall, the *Regulations* were petitioned and suspended pursuant to Section 2.2-4007 of the *Code of Virginia*. As a result of the petition, the *Regulations* were resubmitted to the Town Hall for an additional 30-day comment period, beginning on

March 29, 2010, and ending on April 28, 2010. The Department of Education received sixty-three comments on the Town Hall and two e-mails.

The majority of the comments for the 30-day extended period addressed disproportionate representation of minority and low socioeconomic groups in gifted programs throughout the Commonwealth. In combination with the recommendations of the REL-A disproportionality study and public comment, the following changes are proposed:

8 VAC20-40-60. Local plan, local advisory committee, and annual report:

- School divisions shall provide an operational definition of giftedness that is applicable to their local program for gifted education.
- School divisions shall use information from the review of program effectiveness to develop a statement of program goals and objectives intended to support the achievement of equitable representation of students in gifted education programs.
- School divisions shall provide professional development based on the teacher competencies outlined in 8 VAC20-542-310 related to gifted education.
- The annual review of program effectiveness shall include the review of program procedures toward the achievement of equitable representation of students.

Dr. Cannaday made a motion to approve the revised proposed changes to the *Regulations Governing Educational Services for Gifted Students*, as amended and authorize staff to proceed with the remaining steps required by the Administrative Process Act. The motion was seconded by Dr. Ward and carried unanimously.

Second Review of Revisions to Regulations Governing Pupil Transportation

Mr. Kent Dickey, deputy superintendent for finance and operations, presented this item. Mr. Dickey's presentation included the following:

- *Regulations Governing Pupil Transportation* (8 VAC20-70) was last revised in 2004. Since that time, statutory provisions related to the content of these regulations have been enacted or amended resulting in inconsistent or conflicting requirements. In addition, areas of the current regulations needing clarification or flexibility have been identified, as well as content from the 2005 National School Transportation Specifications and Procedures and federal requirements for incorporation into the regulations.
- The Board of Education gave approval at its October 2007 meeting for the Department to begin the regulatory revision process. In accordance with the Virginia Administrative Process Act (VAPA), a NOIRA was published in the *Virginia Register of Regulations* in January 2008 of the Board of Education's intent to conduct a comprehensive review of the current regulations. The NOIRA was posted for 30 days for public comment. Three comments were received, and they dealt with the school bus specifications instead of the regulations.
- At its November 2008 meeting, the Board of Education accepted for first review proposed revisions to the regulations and approved the Department to continue with the regulatory revision process. Key changes proposed in the first review version of the regulations included additional requirements for activity buses similar to those for yellow

school buses, restrictions on daily driving hours, restrictions on students standing on buses, revisions to the Preventive Maintenance Manual, changes in the bus maintenance schedule, changes and clarifications to training requirements, and crash reporting changes.

- Executive branch review of the proposed regulations occurred during winter-spring 2009. The proposed regulations were published in the Virginia Register in August 2009 and posted on the Town Hall and Department Web sites for a 60-day public comment period from August 17 through October 16, 2009. Three public hearings were held across the state (Roanoke, Chesapeake, and Fairfax) in September 2009 to receive public comment. Comments were received from two regional transportation directors' groups, 12 school divisions, one private company, local educational association, private citizen, and school bus dealer.
- The public comments were compiled, and a local review committee was convened to review the comments and provide recommendations for further revisions to the regulations. The review committee consisted of pupil transportation personnel (six pupil transportation directors, one assistant director, six mechanics, and five driver trainers) representing school divisions from each of the eight superintendents' regions, one representative from the State Police, and three Department of Education pupil transportation staff.

Mr. Johnson made a motion to accept for second review the latest proposed revisions to the *Regulations Governing Pupil Transportation* and authorize the latest revised version of the regulations to be placed on the Town Hall and Department of Education Web sites for a 30-day public comment period. The motion was seconded by Dr. Ward and carried unanimously.

Dr. Wright announced that Mr. Dickey will be taking on additional responsibilities at the Department of Education; therefore, his position has been reclassified as Deputy Superintendent for Finance and Operations.

ACTION/DISCUSSION ITEMS

Final Review of a Request for Approval of an Innovative Program Opening Prior to Labor Day from Harrisonburg City Public Schools

Mrs. Anne Wescott, assistant superintendent for policy and communications, presented this item. Mrs. Wescott said that the *Regulations Establishing Standards for Accrediting Public Schools in Virginia*, at 8 VAC 20-131-290.D, permit local school boards to seek approval to implement experimental or innovative programs that are not consistent with accreditation standards or other regulations promulgated by the Board. Section 22.1-79.1 of the *Code of Virginia* prohibits local school boards from adopting school calendars that require schools to open prior to Labor Day unless a waiver is granted by the Board for "good cause." The conditions under which the Board may grant such waivers are outlined in the *Code*. Part 3 of § 22.1-79.1.B permits the Board to approve a waiver for approval of an experimental or innovative program.

Mrs. Wescott said that the Harrisonburg City School Board is requesting approval of an innovative program for Keister, Smithland, and Stone Spring Elementary Schools. Harrisonburg

City Public Schools participates in a seven-division consortium for preschool programs, which includes the Shenandoah Valley Head Start consortium, the Virginia Preschool Initiative (VPI), and early special education preschool. The other participating school divisions are Augusta County, Bath County, Highland County, Rockingham County, and the cities of Staunton and Waynesboro. All of the other school divisions, except for Staunton, which is also requesting a waiver from the Board of Education, have waivers to begin before Labor Day.

On May 28, 2009, the Board approved a similar request for Spotswood and Waterman Elementary Schools. At that time, Keister and Smithland Elementary Schools had dependencies with neighboring school divisions for special education programs. Those dependencies no longer exist, as the special education programs are now housed in Harrisonburg Public Schools. Stone Spring Elementary School continues to have a dependency with a neighboring school division, but the Harrisonburg City School Board is requesting approval as an innovative program so that the school could open before Labor Day even if the dependency ceases to exist.

Mr. Krupicka made a motion to approve the request from Harrisonburg City Public Schools for an innovative program at Keister, Smithland, and Stone Spring Elementary Schools, pursuant to the provisions of §.22.1-79.1 of the *Code of Virginia*. The motion was seconded by Dr. McLaughlin and carried unanimously.

The approval of this request permits these three schools to open prior to Labor Day. All other schools in Harrisonburg are eligible for a pre-Labor Day waiver because they meet the requirements of § 22.1-79.1.B.2 by having a dependent program shared with school divisions that qualify for a weather-related waiver.

Final Review of a Request for Approval of an Innovative Program Opening Prior to Labor Day (Year Round School) from Richmond City Public Schools

Mrs. Anne Wescott, assistant superintendent for policy and communications, presented this item. Mrs. Wescott said that the *Regulations Establishing Standards for Accrediting Public Schools in Virginia*, at 8 VAC 20-131-290.D, permit local school boards to seek approval to implement experimental or innovative programs that are not consistent with accreditation standards or other regulations promulgated by the Board. Section 22.1-79.1 of the *Code of Virginia* prohibits local school boards from adopting school calendars that require schools to open prior to Labor Day unless a waiver is granted by the Board for "good cause." The conditions under which the Board may grant such waivers are outlined in the *Code*. Part 3 of § 22.1-79.1.B permits the Board to approve a waiver for approval of an experimental or innovative program.

Mrs. Wescott said that the Richmond City School Board is requesting approval of an innovative program for Patrick Henry School of Science and Arts, a charter school serving grades K-5. Patrick Henry School of Science and Arts is a public charter school operating under a contractual arrangement with Richmond City Public Schools. It plans to open for the 2010-2011 school year on August 9, 2010, but in subsequent years, it plans to begin the school year in July. For the 2010-2011 school year, the calendar includes 183½ teaching days, 10½ planning and development days, and 10 in-service days.

The school plans to operate on a “progressive quarter calendar” consisting of four quarters of approximately nine weeks of instruction, followed by a break of at least two weeks. During the breaks, there will be intersessions to provide remediation and enrichment programs for the students attending the school. There will be a five week summer break between school years. The school’s calendar is very similar to the calendars of other year-round schools the Board of Education has approved in past years.

Mrs. Beamer made a motion to approve the request from Richmond City Public Schools for an innovative program at Patrick Henry School of Science and Arts, pursuant to the provisions of 22.1-79.1 of the *Code of Virginia*. The motion was seconded by Mrs. Castro and carried unanimously.

Final Review of a Recommendation of the Advisory Board on Teacher Education and Licensure (ABTEL) to Accredite with Stipulations the Professional Education Program at Washington and Lee University through a Process Approved by the Board of Education and Approve the Education (Endorsement) Programs

Mrs. Patty Pitts, assistant superintendent for teacher education and licensure, and Dr. Lenna Ojure, director of teacher education, Washington and Lee University, presented this item. Mrs. Pitts said that Washington and Lee University requested accreditation through the Board of Education approved process. An on-site visit to review the program was conducted on November 29-December 2, 2009. The institution requested education (endorsement) programs in the following areas:

- Early/Primary Education PreK-3
- Elementary Education PreK-6
- Middle Education 6-8
- Foreign Languages: French, German, Spanish, and Latin
- Visual Arts
- Music Education: Instrumental
- Theatre Arts
- Computer Science
- English
- History and Social Science
- Mathematics
- Sciences: Biology, Chemistry, and Earth Science
- Journalism (add-on endorsement)
- Mathematics-Algebra I (add-on endorsement)

The overall recommendation of the on-site review team was that the professional education program be “accredited with stipulations.” Below are the recommendations for each of the four standards:

STANDARD	TEAM’S RECOMMENDATIONS
Standard 1: Program Design	Met Minimally with Significant Weaknesses

Standard 2: Candidate Performance on Competencies for Endorsement Areas	Not Met
Standard 3: Faculty in Professional Education Programs	Met
Standard 4: Governance and Capacity	Met

On March 15, 2010, the Advisory Board on Teacher Education and Licensure reviewed the report from the on-site team. In addition, ABTEL was advised that the education programs requested were reviewed by content specialists and were aligned with the endorsement competencies. ABTEL voted to recommend that the Board of Education accept the recommendation of the on-site accreditation review team that the professional education program at Washington and Lee University be “accredited with stipulations,” and approve the requested education (endorsement) areas. Within a two-year period, the professional education program must fully meet standards set forth in the *Regulations Governing Review and Approval of Education Programs in Virginia*.

In response to the April 22, 2010, request from the Board of Education, Dr. Hank Dobin, dean of the College, and Dr. Lenna Ojure, director of teacher education, at Washington and Lee University, submitted a letter advising the Board of Education on the institution’s progress to address the weaknesses identified by the review team since the November 29-December 2, 2009, on-site visit.

Dr. McLaughlin made a motion to approve the Advisory Board on Teacher Education and Licensure’s recommendation to accept the on-site accreditation review team’s recommendation that the professional education program at Washington and Lee University be “accredited with stipulations,” and approve the education (endorsement) programs (including partnerships). Within a two-year period, the professional education program must fully meet standards stipulated in the *Regulations Governing the Review and Approval of Education programs in Virginia*. The motion was seconded by Dr. Ward and carried unanimously.

First Review of a Recommendation of the Advisory Board on Teacher Education and Licensure (ABTEL) to Accredite the Professional Education Program at Virginia Wesleyan College through the Board of Education Approved Process

Mrs. Patty Pitts, assistant superintendent for teacher education and licensure, and Dr. Timothy O’Rourke, vice president for academic affairs, Virginia Wesleyan College, presented this item. Mrs. Pitts said that Virginia Wesleyan College requested accreditation through the Board of Education approved process. An on-site visit to review the program was conducted on April 26-29, 2009. The overall recommendation of the on-site review team was that the professional education program be “accredited with stipulations.” Below are the recommendations for each of the four standards:

STANDARD	TEAM’S RECOMMENDATION
Standard 1: Program Design	Met

Standard 2: Candidate Performance on Competencies for Endorsement Areas	Met Minimally with Significant Weaknesses
Standard 3: Faculty in Professional Education Programs	Met Minimally with Significant Weaknesses
Standard 4: Governance and Capacity	Met

On March 18, 2010, the Board of Education approved the Advisory Board on Teacher Education and Licensure's recommendation to accept the recommendation of the on-site accreditation review team that the professional education program at Virginia Wesleyan College be "accredited with stipulations." Within a two-year period, the professional education program must fully meet standards set forth in the *Regulations Governing Review and Approval of Education Programs in Virginia*.

On April 2, 2010, Dr. Malcolm Lively, director of teacher education, submitted to the Department of Education a *Report on Actions Taken in Response to the Professional Education Program Review Team Report of Findings*, in which Virginia Wesleyan College requests that the Board of Education remove the "stipulations" and grant full accreditation.

The report was forwarded to the on-site accreditation team for review and formulation of recommendations. The review team met via a conference call on Thursday, April 15, 2010, to discuss the request from Virginia Wesleyan College. During the conference call discussion, the team requested additional documentation from Virginia Wesleyan College.

A memorandum dated April 16, 2010, from Dr. Timothy G. O'Rourke, vice president for academic affairs, addressed the additional inquiries. Based on information received, the team unanimously agreed that the weaknesses identified during the April 26-29, 2009, on-site review had been addressed and corrected. The team recommended that the professional education program at Virginia Wesleyan College be "accredited," indicating that the program has met the standards as set forth in 8VAC-20-542-60 of the *Regulations Governing the Review and Approval of Education Programs in Virginia*.

The *Professional Education Program Review Team Report of Findings*, dated April 17, 2010, reflecting the team's recommendations was presented to ABTEL at the April 19, 2010, meeting. The Advisory Board on Teacher Education and Licensure unanimously recommended that the Board of Education approve the recommendation to accept the recommendation of the on-site accreditation review team that the professional education program at Virginia Wesleyan College be "accredited," indicating that the program has met the standards as set forth in 8VAC-20-542-60 of the *Regulations Governing the Review and Approval of Education Programs in Virginia*.

Mr. Johnson made a motion to receive for first review the Advisory Board on Teacher Education and Licensure's recommendation to accept the review team's recommendation that the professional education program at Virginia Wesleyan College be "accredited," indicating that the program has met the standards as set forth in 8VAC-20-542-60 of the *Regulations Governing the Review and Approval of Education Programs in Virginia*. The motion was seconded by Dr.

Ward and carried unanimously.

Final Review of a Recommendation of the Advisory Board on Teacher Education and Licensure (ABTEL) to Approve a Passing Score for the Praxis II Business and Information Technology Assessment

Mrs. Patty Pitts, assistant superintendent for teacher education and licensure, presented this item. Mrs. Pitts said that the responsibility for teacher licensure is set forth in section 22.1-298.1 of the *Code of Virginia*, which states that the Board of Education shall prescribe by regulation the requirements for licensure of teachers. The *Licensure Regulations for School Personnel* (September 21, 2007) 8VAC20-22-40 (A) state, in part, that "...all candidates who hold at least a baccalaureate degree from a regionally accredited college or university and who seek an initial Virginia teaching license must obtain passing scores on professional teacher's assessments prescribed by the Board of Education."

The Board of Education prescribes the Praxis II (subject area content) examinations as the professional teacher's assessment requirements for initial licensure in Virginia. The Board originally approved cut scores on 16 subject content tests that became effective July 1, 1999. Subsequently, the Board adopted additional content knowledge tests as they were developed by the Educational Testing Service (ETS). Virginia teachers and teacher educators participated in validation and standard setting studies guided by ETS personnel to ensure an appropriate match between Praxis II tests and the competencies set forth in Virginia's regulations, as well as the K-12 *Standards of Learning*.

A standard setting study was conducted on December 2-3, 2009, for the Praxis Business Education assessment, which is required for individuals seeking a Business and Information Technology endorsement in Virginia. ETS conducted the standard setting study on behalf of the Virginia Department of Education (VDOE) for the new Praxis Business Education assessment. The purposes of the study were to (a) recommend the minimum Praxis Business Education score judged necessary to award a Business and Information Technology Endorsement and (b) confirm the importance of the Praxis Business Education content specifications for entry-level business/information technology teachers in Virginia.

The first administration of the new Praxis Business Education assessment will occur in the fall of 2010. The current Praxis Business Education assessment will be discontinued, with the last administration in summer 2010.

The Praxis Business Education *Test at a Glance* document describes the purpose and structure of the assessment. In brief, the assessment measures whether entry-level business education teachers have the knowledge and/or skills believed necessary for competent professional practice. A National Advisory Committee of business education teachers and college faculty defined the content of the assessment, and a national survey of teachers and college faculty confirmed the content.

The two-hour assessment contains 120 multiple-choice questions and covers *Accounting and Finance* (18 questions); *Communication and Career Development* (18 questions); *Economics* (12 questions); *Entrepreneurship* (12 questions); *Information Technology* (18 questions); *Law and International Business* (18 questions); *Marketing and Management* (12 questions); and *Professional Business Education* (12 questions). Candidates' overall scores as well as eight category scores are reported. The maximum total number of raw-score points that may be earned is 120. The reporting scale for the Praxis Business Education assessment ranges from 100 to 200 scaled-score points.

The panel recommended a cut score of 78. The value of 78 represents approximately 65 percent of the total available 120 raw points that could be earned on the Praxis Business Education assessment. The scaled score associated with 78 raw points is 157.

The cut score recommendations for the Praxis Business Education test were 73.15 for Panel I and 75.03 for Panel II. These numbers also were rounded to the next highest whole number to determine the functional recommended cut scores of 74 for Panel I and 76 for Panel II. The values of 74 and 76 represent approximately 62 percent and 63 percent, respectively, of the total available 120 raw points that could be earned on the test. The scaled scores associated with 74 and 76 raw scores are 152 and 155, respectively.

When reviewing the Standard Error of Measurement (SEM) for the cut scores recommended by the Virginia standard setting study as well as the multistate standard setting studies, there is an overlap in the scaled scores. The SEM is a statistical phenomenon and is unrelated to the accuracy of scoring. All test results are subject to the standard error of measurement. If a test taker were to take the same test repeatedly, with no change in his level of knowledge and preparation, it is possible that some of the resulting scores would be slightly higher or slightly lower than the score that precisely reflects the test taker's actual level of knowledge and ability. The difference between a test taker's actual score and his highest or lowest hypothetical score is known as the standard error of measurement. The Standard Error of Measurement for the recommended cut scores for the Virginia standard setting study and the multistate studies are shown below. Note that consistent with the recommended cut score, the cut scores at the different SEMs have been rounded to the next highest whole number.

Standard Error of Measurement Summaries – Business

Cut scores within 1 and 2 SEMs of the Recommended Cut Score – Business Education – Virginia

	Recommended Cut Score (SEM)	Scale Score Equivalent
	78 (5.25)	157
-2 SEMs	68	145
-1 SEM	73	151
+1 SEM	84	164
+2 SEMs	89	170

Cut scores within 1 and 2 SEMs of the Recommended Cut Score – Business Education – Multistate Panel 1

	Recommended Cut Score (SEM)	Scale Score Equivalent
	74 (5.35)	152
-2 SEMs	64	140
-1 SEM	69	146

+1 SEM	80	160
+2 SEMs	85	165

Cut scores within 1 and 2 SEMs of the Recommended Cut Score – Business Education – Multistate Panel 2

	Recommended Cut Score (SEM)	Scale Score Equivalent
	76 (5.30)	155
-2 SEMs	66	143
-1 SEM	71	149
+1 SEM	82	162
+2 SEMs	87	168

Cut scores within 1 and 2 SEMs of the Recommended Cut Score – Business Education – Combined Multistate Panels

	Recommended Cut Score (SEM)	Scale Score Equivalent
	75 (5.33)	154
-2 SEMs	65	142
-1 SEM	70	148
+1 SEM	81	161
+2 SEMs	86	167

Note: Consistent with the recommended cut score, the cut scores at the different SEMs have been rounded to the next highest whole number.

Dr. Ward made a motion to approve the Advisory Board on Teacher Education and Licensure's recommendation to set a passing score of 157 for the revised Praxis II Business and Information Technology assessment. In addition, the Superintendent of Public Instruction recommended that pass rates for the assessment be reviewed when sufficient test scores are received for Virginia test takers. The motion was seconded by Mrs. Castro and carried unanimously.

Final Review of a Recommendation of the Advisory Board on Teacher Education and Licensure (ABTEL) to Approve Passing Scores for the Praxis II World Language Assessments in German, French, and Spanish and to Approve the Assessments and Passing Scores as Another Option to Meet Endorsement Requirements for Native Speakers or Candidates Who Have Learned the Foreign Language

This item was postponed and will be presented at a later date.

Final Review of Proposed Economics and Personal Finance Standards of Learning Curriculum Framework

Dr. Linda Wallinger, assistant superintendent for instruction, presented this item. Dr. Wallinger said that during the fall of 2008, as part of the proposed revisions to the *Regulations Establishing Standards for Accrediting Public Schools in Virginia* (8 VAC 20-131-5 et seq.) (Standards of Accreditation or SOA), a new statewide graduation requirement in economics and personal finance was proposed for the Standard, Standard Technical, Advanced Studies, and Advanced Technical Diplomas. On October 23, 2008, the Board of Education approved a proposal to develop Standards of Learning for a high school course in economics and personal finance. On February 19, 2009, the Board adopted the revised SOA, which included the

economics and personal finance requirement for the diplomas, effective with students entering the ninth grade in 2010-2011. Pursuant to legislative action in the 2010 General Assembly, the requirement has been delayed, to become effective with the students entering the ninth grade in 2011-2012. A course in personal finance continues to be an option to satisfy a graduation requirement in mathematics for the Modified Standard Diploma.

On November 17, 2009, the Board adopted the *Economics and Personal Finance Standards of Learning*. In developing the proposed Economics and Personal Finance Curriculum Framework, the members of the review team first reviewed the concepts approved in previous documents related to economics and financial literacy, information included in the economics strand of the *History and Social Science Standards of Learning*, and the competencies required for students to complete career and technical education courses in accounting and finance.

The resulting Curriculum Framework addresses concepts and principles that are important to economics at the macro level, but also directs attention to understanding and skills that students need to be knowledgeable consumers in many areas of daily life, such as further education, career preparation, major purchases, credit and debt, and savings and investments. The proposed Curriculum Framework aims to provide enough direction to ensure that students are exposed to the many aspects of informed decision making they will need for future success, and to serve as a foundation for continued study of economics and finance.

Mr. Krupicka made a motion to adopt the Curriculum Framework for the 2010 *Economics and Personal Finance Standards of Learning*. The motion was seconded by Dr. Ward and carried unanimously.

First Review of a Proposal to Allow Advanced Placement (AP) Calculus BC to Verify Two Mathematics Credits

Mrs. Shelley Loving-Ryder, assistant superintendent for student assessment and school improvement, presented this item. Mrs. Loving-Ryder said that in 2000, the Virginia Board of Education approved AP calculus as a substitute test for the end-of-course mathematics tests (Algebra I, Geometry, and Algebra II). Based on the cut scores adopted by the Board, students earning a score of 2 on AP calculus are considered to be proficient and those earning 3 or higher are considered to be advanced. Under the current policy, a score of 2 or higher on AP calculus can be used to verify one credit in mathematics.

Mrs. Loving-Ryder said that staff has been contacted by a parent of a transfer student asking that the Board reconsider its policy of allowing AP calculus to verify only one credit in mathematics. The rationale for the change is that students who score well on the AP Calculus test have demonstrated proficiency in lower level mathematics classes as a prerequisite to Calculus. Allowing an acceptable score on AP Calculus to verify two credits will benefit transfer students who often have taken Algebra I, Geometry, and Algebra II before entering the Virginia Public Schools but who may need as many as two verified credits to be eligible for an advanced studies diploma. Fairfax County Public Schools has also indicated support for the

proposal to allow AP Calculus to verify two mathematics credits as long as this policy is restricted to AP Calculus BC.

Mr. Krupicka made a motion to accept for first review the proposal to allow Advanced Placement (AP) Calculus BC to verify two mathematics credits. The motion was seconded by Mrs. Beamer and carried unanimously.

Report on Technical Assistance to Norfolk City Public Schools

Mrs. Shelley Loving-Ryder presented this item. Mrs. Loving-Ryder said that at its February 25, 2010, meeting the Virginia Board of Education received a report about alleged testing irregularities in Norfolk City Public Schools. As part of this report the Board was informed of an offer of technical assistance the Superintendent of Public Instruction had made to the superintendent of Norfolk City Schools regarding 1) the use of the state-developed criteria in identifying students for participation in the Virginia Grade Level Alternative (VGLA), 2) preparation of work samples for inclusion in the VGLA collections of evidence, and 3) best practices in test administration for the Standards of Learning (SOL) tests. The division superintendent accepted the Department's offer of technical assistance.

Mrs. Loving-Ryder's presentation included the following:

Virginia Department of Education
Report of Technical Assistance to Norfolk City Public Schools
April 28, 2010

I. BACKGROUND

During the summer and fall of 2009, staff at the Virginia Department of Education (VDOE) received reports of testing irregularities in a number of Norfolk City schools. Some of these reports were investigated by Norfolk City Public Schools (NPS) staff, and one state investigation was conducted at Lafayette-Winona Middle School by staff from the Virginia Department of Education's Division of Special Education and Student Services. As a result of testing concerns within the school division, the Superintendent of Public Instruction offered technical assistance in January 2010 to the NPS Superintendent in a) the use of the state-developed criteria in identifying students for participation in the Virginia Grade Level Alternative (VGLA), b) preparation of work samples for inclusion in the VGLA collections of evidence, and c) best practices in test administration for the Standards of Learning (SOL) tests. The division superintendent accepted the Superintendent of Public Instruction's offer of technical assistance. This report details the efforts of the VDOE to date in providing technical assistance to NPS in adopting best practices in test administration for the SOL tests.

II. METHODOLOGY

In order to identify technical assistance needs, VDOE staff sought to understand current NPS policies and procedures related to the implementation of the state assessment program. VDOE staff reviewed copies of assessment training materials used by the Norfolk Division Director of Testing (DDOT) and/or the DDOT designee (DDOT2). In addition, a list of 6 schools (3 elementary schools, 2 middle schools, and 1 high school) was provided to the DDOT with a request that NPS staff arrange for interviews with, at minimum, the School Test Coordinator (STC), an SOL Test Examiner (Examiner), a general education teacher, a special education teacher, and the building principal. A team of VDOE staff traveled to Norfolk and interviewed a total of 32 individuals from the 6 schools on March 8 and 9, 2010. The interviews were conducted by pairs of VDOE staff and each lasted for approximately 30 to 45 minutes. Also on March 8 and 9, 2010, VDOE staff interviewed the Norfolk DDOT and DDOT2. These two

interviews were conducted by 3 VDOE staff and each lasted approximately 90 minutes. In all interviews, VDOE staff asked questions to gain an awareness and understanding of the policies and procedures used in Norfolk before, during, and after the administration of SOL assessments.

III. FINDINGS AND RECOMMENDATIONS

To assist the school leadership in Norfolk, the VDOE compiled the set of findings and recommendations that follow. Findings and recommendations are organized in the following sections:

- Roles and responsibilities: SOL Test Examiner and Proctor
- Roles and responsibilities: School Test Coordinator (STC)
- Roles and responsibilities: Division Director of Testing (DDOT) and DDOT 2
- Test Administration: Assessing and Accounting for All Students
- Test Administration: Testing Irregularities

Additionally, other observations by VDOE and planned changes by NPS are described, as well as suggestions for areas where continued technical assistance from the VDOE may be beneficial to the school division.

A.) Roles and Responsibilities: SOL Test Examiner and Test Proctor

A.1) Description of Current Procedures:

In the interviews with Norfolk school and central office personnel, VDOE staff identified differences in the terminology used by NPS to describe the roles and responsibilities of staff assigned to administering SOL tests in elementary schools and potentially some middle schools as compared to that used by VDOE in its test administration documents. Two titles, SOL Test Examiner and SOL Test Proctor, were referenced by NPS staff who were interviewed, but for some schools the specific responsibilities assigned to those two titles did not align with what VDOE references throughout its SOL test administration documentation and guidelines.

The VDOE refers to the individual who is responsible in the classroom for the proper administration of SOL tests as an SOL Test Examiner (Examiner). The responsibilities of an Examiner are outlined in the *SOL Examiner's Manual* and include but are not limited to a) receiving necessary test materials from the STC on the day of testing, b) maintaining the security of the test materials, c) distributing the test materials to students, d) reading the SOL test administration directions to students as written in the *Examiner's Manuals*, d) monitoring the testing process in the classroom, e) responding appropriately to student questions during the test, f) reporting test irregularities to the STC, g) returning all test materials to the STC after testing, and h) certifying, by signature after testing, that all security procedures and test administration procedures were followed as required.

Currently in some schools at NPS, the classroom teacher is referred to as the Examiner; however, the only task the NPS Examiner completes during the test administration is to read the SOL test directions to the students. The NPS Examiner then sits quietly in the classroom, and all remaining responsibilities as outlined in the previous paragraph become the responsibility of what these NPS schools referred to as the Test Proctor (Proctor). In comparison, the VDOE considers Proctors as staff who are available during the SOL test administration to assist the Examiner with supervising and monitoring the testing process. The *SOL Examiner's Manual*, for example, recommends having a Proctor present for every 25 to 30 additional students being tested in the classroom or SOL testing site.

A.2) VDOE Recommendations:

To help avoid any confusion of roles and responsibilities and to facilitate the use of standardized testing procedures, VDOE recommends that NPS adopt the roles and responsibilities of an Examiner and a Proctor as defined by the VDOE and as used throughout all VDOE documentation (e.g., *SOL Test Implementation Manuals*, *SOL Examiner's Manuals*, *SOL Examiner's Checklists*, and various transmittal forms, affidavits, etc.). The Examiner and Proctor titles and the associated responsibilities should be communicated and implemented consistently during testing at the elementary schools, middle schools, and high schools in NPS.

B.) Roles and Responsibilities: School Test Coordinator (STC)

B.1) Description of Current Procedures:

At the school level, NPS uses the title of School Test Chair to represent the position that VDOE refers to as the School Test Coordinator (STC) throughout the SOL test administration documentation and guidelines. The difference in this case seems limited only to the title; the SOL testing responsibilities of an NPS School Test Chair closely mirror the responsibilities of what VDOE identifies as a School Test Coordinator.

The *SOL Test Implementation Manuals* and the *SOL Examiner's Manuals* each include references that describe the STC as being responsible for providing appropriate training to the school's Examiners and Proctors and for preparing the entire school staff for SOL test administrations. While in Norfolk, VDOE staff heard concerns about some school staff not attending training sessions for the SOL test administration. Some STCs offered multiple training sessions but still were unable to get the necessary staff to attend. Two days prior to SOL testing, one STC still had not received approval from the building principal to conduct SOL test administration training. VDOE was told that all school principals are directed to support their STCs, and although all the principals verbally commit to this, situations occur where the administrators do not follow through. In addition, VDOE was told of situations where school staff refused to cooperate with STCs. For example, school personnel knew if they refused to sign the state-required *School Division Personnel Test Security Agreement* that they could use this, without issue, as their reason not to assist during SOL testing. As VDOE staff asked additional questions about these types of situations, it became clear that the level of support provided to STCs from building level administrators was not consistent in the schools throughout the division. In all schools, the support or lack of support for the work conducted by STCs originated from the building principal and was usually mirrored by assistant principals or principal designees in the school.

A related concern is the inconsistency among schools regarding the expectations and accountability for the STC position. VDOE learned that NPS STCs have full time job responsibilities, such as resource teachers or classroom teachers, and are paid a monetary stipend of \$300 to \$600 for their work related to the SOL testing program. The STC position may be held by an individual or shared between two people in the same school, and in some schools, the STC has many other assessment responsibilities such as completing the training, administration, scoring, and analysis of scores for the division quarterly assessments and the school's three week assessments. At the high school level in NPS, the Instructional Technology Resource Teacher (ITRT) fills the role of the STC. VDOE was told that ITRTs in the high schools are more able to blend the STC responsibilities into their daily work, but this is much more difficult for the STCs at the middle and elementary school levels. Concern was expressed about the possible elimination of the ITRT position due to budget constraints, and if this occurred, where the responsibilities for SOL testing would be absorbed.

VDOE learned the quality and timeliness of SOL test administration training provided by STCs varies significantly across the school division. Some STCs schedule multiple training opportunities in their schools well in advance of the SOL test administration. They prepare handouts and deliver presentations to staff to review important details and introduce any changes or new information about the upcoming SOL test administration. In other schools, STCs distribute the *SOL Examiner's Manual* and tell school staff they must read the material prior to the start of testing. Although the DDOT2 encourages and expects STCs to provide timely training with appropriate resources, the DDOT2 has to rely on the building principal to require that the activities occur.

The DDOT2 conducts regular monthly meetings for STCs where their attendance is expected. The meetings serve as training opportunities for the STCs where new and updated assessment information is presented and other relevant details are reviewed and reinforced. While some STCs appear to recognize the significance of attending the monthly meetings or sending a colleague to represent them if needed, other STCs will arrive late, leave early, or miss the meeting entirely. The DDOT2 has limited recourse to address this except

for notifying the STC's principal and the DDOT. Based on information gathered in the interviews, the effectiveness of informing principals about their STCs lack of attendance varies. Neither the DDOT nor the DDOT2 has any authority over the STCs to require their attendance, and there appears to be no mechanism in place within the division to require cooperation from the principals in ensuring that test procedures are followed within their schools.

B.2) VDOE Recommendations:

VDOE recommends that a more standardized approach to school level training be implemented to ensure the proper information is included and adequately presented to school staff. Consistent expectations of what constitutes a school training session need to be established and clearly communicated to STCs and building principals to reduce the degree of variability in the training provided to school staffs prior to SOL test administrations.

School principals should be required to communicate with their STCs that attendance at each monthly STC meeting is expected. If the STC is unable to attend the full meeting, he or she should communicate with the principal and they should agree on an alternate to attend the meeting.

In addition, principals should communicate to school staff that a successful testing program is a shared responsibility of all staff members. Further, principals should support the STCs in ensuring the cooperation of other school staff with testing responsibilities.

C.) Roles and Responsibilities: Division Director of Testing (DDOT) and DDOT2

C.1) Description of Current Procedures:

At the division level, the DDOT and the DDOT2 are the persons responsible for the implementation of the SOL testing program. Norfolk's assignment of responsibilities to these positions aligns with what VDOE references throughout its SOL test administration documentation and guidelines. The DDOT2 maintains regular communication with STCs via email and phone and serves as the point of contact for the schools regarding the SOL assessment program. The DDOT2 provides ongoing training for STCs through regular monthly meetings and provides additional one-on-one training to NPS staff who are newly assigned to the STC role. During the interviews with VDOE staff, school principals and STCs consistently praised the DDOT2 for her level of support, the resources she provides, and her constant willingness to help.

The DDOT and DDOT2 serve as points of contact for the VDOE regarding the state assessment program, and the DDOT2 oversees the implementation of the state assessment program by STCs at 54 school locations and with varying levels of experience and knowledge. Given the number of STCs and the geographical distance between school locations, the DDOT2 is unable to make regular on-site visits and must rely on building principals to help supervise the STCs. Also, as previously noted, the DDOT2 has no reporting authority over STCs and relies on school principals when issues occur related to the performance or accountability of individual STCs.

Although the DDOT and DDOT2 rely on the leadership and involvement of school principals to contribute to the successful implementation of the SOL assessment program in the schools, there seems to be little interaction or sharing of information between the two groups. In interviews with VDOE staff, school principals indicated they do not receive training specific to the SOL assessment program other than what their STCs provide to the examiners and proctors within their schools. Both elementary and secondary administrators indicated that SOL assessment information is rarely, if ever, provided even at their regular principal's meetings.

The DDOT and DDOT2 indicated they do not have a regularly scheduled time to meet with or train any building administrators, and they have found it challenging to be added to the agenda for either the elementary

or secondary principal's meetings. There is no consistent, reliable method available to the DDOT or DDOT2 to communicate assessment information directly to building administrators.

C.2) VDOE Recommendations:

VDOE recognizes that a successful implementation of the SOL assessment program within a school division requires the support and cooperation of staff at all levels within the organization. Similar to the expectation that school administrators will support STCs at the school level, the division superintendent and other senior leadership in the school division must support the DDOT and DDOT2 in their work at the division level. VDOE recommends that the superintendent and senior leadership in the school division communicate and reinforce the expectation that successful implementation of the SOL assessment program is a shared effort throughout the division, but that ultimately, it is the responsibility of each school administrator with the support of the DDOT and DDOT2.

VDOE recommends that NPS implement a training plan for school and division level administrators where participation is mandatory and the DDOT and DDOT2 communicate and reinforce consistent testing policies, procedures, requirements, and best practices. The training and communication, regardless of the mode or format, must occur at multiple times throughout the school calendar to ensure relevant information is conveyed and reinforced at the appropriate time of year. Similar to how division and school level leaders are responsible for their instructional programs, they must also be responsible for the appropriate implementation of the assessment program in their organizations.

D.) Test Administration: Assessing and Accounting for All Students

D.1) Description of Current Procedures:

During the interviews with Norfolk school and central office personnel, VDOE staff asked questions to determine what methods NPS uses to ensure all students are properly tested according to state and federal requirements. Responses varied significantly by school. Some staff explained that attendance was taken differently on the day of testing and described what steps the staff would follow to contact the parents of absent students. In some cases, school resource officers would drive to pick up students who had missed their bus.

When students were absent on the day of testing, schools had various strategies in place for dealing with make-up test opportunities. It was not always clear how many times a student could or should be re-scheduled for a make-up test when the student was absent repeatedly. Some schools offered only one or two make-up days for tests, while other schools made repeated attempts to have students complete their make-up tests before the end of their school's test window.

VDOE staff also asked questions about how school staff ensures that the correct accommodations are provided to students with disabilities during SOL test administrations. Responses to these questions also varied by school. Some schools rely on the STC to develop lists from the Individualized Education Program (IEP) test pages. Others schools have the case managers or special education staff provide the information directly to the STC in forms of lists or spreadsheets or even copies of the IEP test pages.

When asked how their school ensured that all students were tested or appropriately accounted for, some staff required further explanation of the question. STCs understood that make-up sessions needed to be scheduled for students who were absent on the day of testing and they seemed aware that all students had to be tested and accounted for, but there seemed to be no knowledge of strategies or practices used to ensure all enrolled students had the correct number of completed tests or appropriately coded test records. It was unclear how the schools or the division verify the correct number and types of test records are submitted for processing and scoring.

D.2) VDOE Recommendations:

VDOE recommends that NPS develop and implement methods to be used consistently in all schools to ensure that all students enrolled in NPS at the time of testing are accounted for properly. VDOE further recommends that the action of accounting for all students be completed by each school and a verification of the test records occur at the division level. Training and review of the SOL testing requirements should occur so school leaders and school staff clearly understand how to test and/or account for students in various instructional scenarios. This includes but is not limited to suspended students, recently arrived Limited English Proficient students, homebound students, and students participating in alternative education programs such as the Individual Student Alternative Education Plan (ISAE) program.

As noted above, various methods were used in the schools to ensure special education students received the appropriate accommodations during testing. VDOE recommends these methods be reviewed for efficiency as it seemed, at least in some cases, multiple lists of the same information were being developed and maintained in the schools. Lists seemed to originate appropriately from student IEPs, but a more standardized method of verifying the test accommodations to be provided at the time of testing and then whether they were appropriately provided could potentially avoid duplication of effort and save time in some schools.

E.) Test Administration: Testing Irregularities

E.1) Description of Current Procedures:

All NPS staff who were interviewed were aware of the term testing irregularity. When asked what types of situations they considered testing irregularities, some staff conveyed the specific definition as stated in the *SOL Examiner's Manual*. A number of staff provided a general description of what they thought might be a testing irregularity, while others said they were unsure or just did not know.

In general, school staff indicated the STC would be their point of contact if they had concerns about an issue related to testing or if they were unsure of what to do. Norfolk STCs commonly handle initial reports of testing irregularities such as a student getting sick during testing. The STCs responded readily during their interviews with VDOE staff that they communicate with the DDOT2 when handling testing irregularities.

A few school staff asked questions about testing irregularities at the conclusion of their interview with VDOE staff. Questions asked of VDOE included: how does VDOE handle anonymous phone calls from people reporting testing irregularities and how would a teacher's license be revoked if the teacher were involved in a testing irregularity. STCs indicated in their interviews that the recent press coverage of alleged testing irregularities in Norfolk was prompting additional questions from the staff in their schools.

NPS staff indicated they report testing irregularities using VDOE's Test Irregularity Web-based Application System (TIWAS). During interviews with the DDOT and the DDOT2, VDOE staff asked about any criteria the division uses for reporting testing irregularities to the VDOE. The DDOT2 indicated that the school division usually learns of the more significant testing irregularities from VDOE based on information that has been reported by citizens or teachers directly to VDOE staff. For all other testing irregularities, the DDOT2 communicates with the DDOT to determine what can be resolved locally versus what must be reported to VDOE. The DDOT2 stated she prefers to report all testing irregularities to VDOE that require students to be retested. She commented that she relies on TIWAS when resolving testing irregularities because the responses returned from VDOE staff indicate the steps that must be followed and which specific form numbers the STC should use when re-administering the test to the student.

In each of their interviews, the DDOT and DDOT2 indicated there was an increased awareness and concern over the number of testing irregularities reported to VDOE by NPS when compared to other school divisions, but did not specify the source of that concern. VDOE staff assured the DDOT and DDOT2 that NPS staff were not submitting testing irregularities unnecessarily, but if over reporting did become an issue, then VDOE staff would work to address that with the school division.

VDOE asked the DDOT if she or other senior leadership in the school division, including the superintendent, were aware of a Virginia Board of Education (VBOE) document called *Protocol for the State-Directed Investigations of Testing Irregularities*¹. The DDOT could not recall the document and was unsure if others in the division had this information. VDOE staff explained that the VBOE's protocol clearly states that while some irregularities may be resolved locally by the DDOT, most are forwarded within 24 hours to the VDOE for review and guidance. According to the protocol, all situations that involve the retesting of students, compromised testing procedures or policies, or student test record exclusions must be reported to the VDOE.

The DDOT did acknowledge, however, that after the testing irregularities at Dreamkeepers Academy where the division did not notify the state that the situation involved more serious allegations than the submission of late answer documents, it was clear the division needed to establish a system for dealing with these types of scenarios. It was not specified who made the decision not to notify VDOE that this was actually a more serious testing irregularity that involved general and special education students not being tested as required. However, the DDOT said the reason VDOE was not contacted was because the division believed it had been handled appropriately.

VDOE staff clarified that the VBOE's testing irregularity protocol and the SOL test administration manuals also reference the minimum timeframes within which testing irregularities are to be reported to VDOE. Test Examiners are directed to report any testing irregularity to the designated STC immediately, and STCs are directed to report testing irregularities to the DDOT within 24 hours of their occurrence.

The Dreamkeepers Academy testing irregularity was first reported to VDOE in June 2009 and, as noted above, was described as a submission of late answer documents. During the interview with VDOE staff, the DDOT confirmed that NPS staff obtained new information about the irregularity after the initial report to VDOE. She stated the division conducted an inquiry and summarized its findings in an August 2009 NPS memo. VDOE was not made aware of the additional information regarding this testing irregularity until February 2010 when VDOE asked NPS for additional details following a series of phone calls VDOE had with former Dreamkeepers Academy staff alleging the more serious testing irregularities and concerns at the school.

E.2) VDOE Recommendations:

VDOE recommends that NPS implement training, or expand an existing training, that will develop a minimum level of awareness among division level and school level NPS staff to include a) the definition of a testing irregularity, b) criteria for when a potential testing irregularity should be reported, and c) options available for reporting a potential irregularity. As noted above, the VBOE formally adopted a protocol for handling testing irregularities in spring 2008 (Informational Superintendent's Memo No. 118, May 9, 20082). This document should be provided to school and division level administrators as baseline information about reporting and handling testing irregularities. NPS division leaders must set the expectation and communicate that the VBOE protocol shall be applied consistently to any alleged testing irregularities. This must include a) consistent application of the criteria established for the types of testing irregularities to be reported to the VDOE, b) adhering to the timeline presented for reporting testing irregularities (within 24 hours), and c) conducting investigations in an expeditious manner.

The VDOE recommends and strongly encourages the NPS DDOT and DDOT2, as well as other NPS division leaders, to increase the level of communication with VDOE's Division of Student Assessment and School Improvement and to utilize the resources and support available. Open communication and requests for guidance and input from VDOE, particularly when dealing with egregious, impactful testing irregularities, should be viewed as an opportunity for the school division rather than an obligation. VDOE leaders in the

1 http://www.doe.virginia.gov/administrators/superintendents_memos/2008/inf118a.pdf

2 http://www.doe.virginia.gov/administrators/superintendents_memos/2008/inf118.html

Division of Student Assessment and School Improvement are available during standard business hours, but also are available to DDOT and DDOT2 contacts in all school divisions when needed during evening and weekend hours to address urgent issues and provide support.

VDOE recommends that NPS develop a process for examining testing irregularities after the irregularities have been closed (as mutually agreed upon by VDOE and NPS leadership). This process should be implemented as a means to inform NPS leaders about topics such as a) why the testing irregularity occurred, b) how the testing irregularity was reported (e. g., anonymous call to the division, state, etc. and from a teacher, parent, community member, etc.), c) why that reporting method may have been used, and d) if the testing irregularity suggests any trends that may indicate policy or procedural issues that need to be addressed by the school division. One possible option would be to convene a group of trusted NPS stakeholders to periodically and confidentially review reported testing irregularities with the goal of answering the questions above.

VDOE strongly encourages Norfolk to review and evaluate processes currently in place to ensure that communications from VDOE to the division are distributed to the appropriate NPS division level and school level leaders. This includes but is not limited to VDOE communications such as Superintendent's Memos (formal weekly memos from Virginia's Superintendent of Public Instruction to each school division superintendent) and Testing Memos (formal periodic memos from Virginia's Assistant Superintendent of Student Assessment and School Improvement to each DDOT). A significant communication that received insufficient attention was the communication announcing the VBOE's adoption of the *Protocol for the State-Directed Investigations of Testing Irregularities*. This action by the VBOE was communicated to all Virginia school divisions by Superintendent's Memo (No. 118, May 9, 2008) and then repeated to all DDOTs by Testing Memo (No. 753, January 13, 2009).

VDOE recommends that Norfolk review any testing irregularities that were resolved locally within the last three years, such as the spring 2009 Dreamkeepers Academy testing irregularity, to determine whether any student test records that were inaccurately coded were identified and whether the associated changes were submitted to VDOE for correction. VDOE's process, the Post-Authorization to Proceed (Post-ATP) Record Change Request, is available to school divisions to request changes to test records that previously were declared final and accurate by the school division. This process is documented on the VDOE Web site³ and requires a memo from the division superintendent requesting the specific changes.

IV. OTHER TOPICS AND OBSERVATIONS

During the timeframe of June 2009 through February 2010, VDOE staff received a number of phone calls from anonymous callers and identified callers regarding alleged testing irregularities at various NPS schools. While the allegations addressed different scenarios at different locations, most callers also expressed similar concerns about potential retribution for reporting details of SOL testing issues. VDOE staff received reports of individuals feeling intimidated by school administrators and being subjected to comments about their professionalism and integrity. Some individuals reported experiencing these issues, while others expressed fear and anticipation that they would occur. NPS staff who believed they were aware of SOL testing irregularities but were not confident in telling their building principal or STC were unsure of where they could safely share the information in a beneficial manner. Some mentioned it was only through reading the newspaper coverage that they realized contacting the VDOE's Division of Student Assessment and School Improvement was an option for reporting their concerns.

VDOE staff received reports that, during the March 2010 administration of the SOL writing test, the principal of Oakwood Elementary School visited classrooms and expected students and teachers to participate in

3

www.doe.virginia.gov/testing/test_administration/authorization_proceed/post_atp_record_change_form.xls

prayer with her prior to testing. According to various reports, individual students and one or more classroom teachers were told by the principal to stand and hold hands and were expected to contribute to the prayer. In addition, VDOE received reports that the principal had her pastor attend a faculty meeting on the first day of the pre-service week to lead a prayer session with the teachers. Teachers were to hold hands and pray together. Finally, it was reported that on Friday mornings before school, the principal's pastor holds a Bible study at the school. E-mails and fliers encouraging teachers to participate to attend were distributed in the school by the principal or with the support of the principal. Some students have also been invited and attended the Bible study.

The following excerpt from *the Guidelines Concerning Religious Activity in the Public Schools*⁴ adopted by the Virginia Board of Education on June 22, 1995, addresses the roles of teachers in religious expression within the schools:

As a general matter, neither the Free Exercise nor Free Speech clauses provide teachers an unqualified right to engage in religious expression with students at school. Because teachers play a central role in setting values for our children, they must also bear responsibility for their actions which impermissibly create a danger of establishing religion in the public schools, including misapprehension by pupils that the public schools sponsor the teacher's viewpoint. Teachers should not lead students in devotional activities during class or school-sponsored activity, or encourage students to participate with the teacher in religious activity before or after school.

As VDOE staff interviewed NPS teachers and staff as part of the technical assistance process, it seemed that some staff responded to questions about SOL testing procedures in a rather standardized manner. When asked about specific testing procedures used, some NPS staff responded to multiple questions with an answer such as, "However it is documented in the testing manual is how we did it," or "I don't remember, but if that's what the manual says, then that's what we did." VDOE staff also learned that NPS staff from one school, in advance of their interview, were provided with a set of potential questions that VDOE may ask. Appropriate responses to the potential questions were included, as well.

The NPS staff members responsible for maintaining and supplying student demographic data for the SOL test administrations were not interviewed by VDOE staff. VDOE recognizes, however, the importance of providing timely and accurate student records. In at least 3 scenarios in the last few years of SOL test administrations, Norfolk has experienced problems with a large number of their student records being coded incorrectly. The amount of time and effort required of VDOE and contractor staff to correct the data errors has been significant in each case. While the cause of these various instances may not be the same, the reoccurrence of the problem suggests that NPS staff should consider their processes and their steps to ensure data quality throughout their student assessment and demographic data.

V. SPRING 2010 CHANGES IN SOL PROCEDURES IMPLEMENTED BY NORFOLK

Based on communications received from the Norfolk DDOT, the following changes have been implemented or will be implemented by NPS beginning with the spring 2010 administration.

Central Office Special Education Staff Responsibilities:

- Increase monitoring of IEPs, with specific emphasis on the IEP testing page.
- Provide reports of incomplete IEP information and other concerns to the executive directors in the central office who supervise the schools where these issues exist.
- Review three data systems (Encore, Starbase, Data-Warehouse) to cross reference participation of special education students in the various assessments (VAAP, VGLA, VSEP, SOL).

4 http://www.doe.virginia.gov/boe/guidance/support/religious_activity.pdf

Central Office Testing Staff Responsibilities:

- Develop a standardized power point presentation for School Test Coordinators to use at their schools for training.
- Require school staff to complete "sign in" sheets verifying their participation in training.
- Prepare a summary of testing irregularities by test administration as well as a final report for the superintendent and school board.
- Develop an additional Web page entitled "Testing Resource Center" that addresses state testing requirements.
- Require STCs to submit a class or school roster of students with answer documents submitted to the central office. Secure materials and answer documents will not be accepted without a roster of students. (This was in place for SOL Writing and will remain in place for Non-Writing paper/pencil tests).
- Require increased monitoring of student attendance by principal and school level staff.
- Implement a separate phone line for anonymous callers to report sensitive issues and concerns.
- Implement mandatory meetings for STCs for February, March, and April.
- Schedule test sessions for elementary schools for the first week of the testing window to allow more time for make-up sessions for students missing tests.
- Expand the use of online-SOL testing.
- Implement superintendent-mandated district "stand-down" SOL-testing training for all school principals and administrators on March 30.

VI. OPPORTUNITIES FOR CONTINUED TECHNICAL ASSISTANCE

An important component of VDOE's efforts to understand the testing policies and procedures currently in place in NPS was to identify areas in which school division staff could benefit from ongoing technical assistance from the Department. As noted in Section B. Roles and Responsibilities: School Test Coordinator (STC), there is currently considerable variability in the training provided by STCs to Test Examiners and Proctors. According to communications received from the DDOT, NPS plans to prepare standardized training documents that will be used by all STCs in training school staff. VDOE recommends that NPS submit these training documents to VDOE for review and feedback prior to conducting the training sessions. Further, VDOE recommends that training materials used by the DDOT and DDOT2 to train STCs be submitted for review and feedback by VDOE during the same time period. It should be noted that the NPS DDOT submitted the presentation used for training administrators during the "Testing Stand Down" mandated by the superintendent to VDOE for review and comment. In addition to providing assistance in standardizing training, VDOE believes that NPS testing staff would benefit from additional training and guidance in determining when to inform VDOE of a testing irregularity, conducting local investigations, preparing reports detailing the results of the investigation, and developing corrective action plans.

The Board received the report.

Report of the Memorandum of Understanding for Petersburg City Public Schools to Include Compliance with the Regulations Establishing Standards for Accrediting Public Schools in Virginia (SOA) 8 VAC 20-131-315

Dr. Kathleen Smith, director, office of school improvement, division of student assessment and school improvement, presented this item. The following staff from Petersburg City Public Schools attended the meeting: Dr. James Victory, superintendent, Dr. Alvera Parrish, assistant superintendent for curriculum instruction, Dr. Brenda Petteway, director for secondary instruction, Mr. Kenneth Pritchett, school board chairman, and Dr. Dorothea Shannon, chief academic officer.

Dr. Smith's overview included the following:

- In October 2004, the Virginia Board of Education (VBOE) established criteria for identifying low-performing school divisions to undergo a division-level academic review. Petersburg City Public Schools met the criteria for division-level academic review.
- In 2004, recognizing the need for technical assistance, the Petersburg City School Board requested a division-level academic review and assistance from the Virginia Department of Education (VDOE). Petersburg City Public Schools and the VBOE signed an initial Memorandum of Understanding (MOU) detailing the review process on April 21, 2004.
- Based on 2005-2006 assessment results and the resulting accreditation and federal adequate yearly progress (AYP) ratings of the division and its schools, Petersburg City Public Schools entered into a second MOU on November 20, 2006. The proposed MOU with the VBOE required Petersburg City Public Schools to continue in division-level academic review status and participate in an academic review process prescribed by the VBOE.
- In the November 2006 MOU, the Petersburg City School Board and central office staff adopted five key priorities for improving student achievement across the school division, ensuring alignment of resources with these priorities for improving student achievement, and holding the board and staff accountable for results. The key priorities included:
 1. Student Achievement
 2. Leadership Capacity
 3. Teacher Quality
 4. Communication with all Stakeholders
 5. Safe and Secure Environment

- As part of the November 2006 MOU, an efficiency review was completed on January 10, 2007, by MGT of America, Inc. Ninety (90) recommendations were indicated, 38 of which were accompanied by fiscal implications. According to the review, full implementation of the recommendations would generate a total savings of \$34,620,950 over a five-year period. Petersburg City Public Schools has provided periodic updates regarding the implementation of the efficiency review.
- As required by the November 2006 MOU, the VBOE and the VDOE assigned a chief academic officer (CAO) to work with the superintendent and administrative staff to coordinate and monitor the implementation of processes, procedures, and strategies associated with the corrective action plan resulting from the MOU. The CAO coordinated with VDOE offices to provide technical assistance in support of the MOU and corrective action plan. The CAO has administrative authority over processes, procedures, and strategies that are implemented in support of the MOU and funded by targeted federal and state funds with subsequent review and approval by the Petersburg City School Board.
- As a result of the collaborative efforts of the superintendent, administrative staff and the CAO, Petersburg City Public Schools has four of its seven schools fully accredited for the 2009-2010 school year: Robert E. Lee Elementary School, Walnut Hill Elementary School, A. P. Hill Elementary School, and Petersburg High School. Four of six Title I schools remain in school improvement.
- Another area of concern addressed in the November 2006 MOU was the limited number of highly-qualified teachers employed by the division as well as the number of teachers who were provisionally licensed and the number of long-term substitutes employed as teachers in core content areas. On November 17, 2009, Petersburg City Public Schools reported that of the 376 teachers employed in September 2009, 376 (100 percent) were licensed and 29 (7.7 percent) were new teachers. Five teachers were identified as long-term substitutes.
- The November 2006 MOU specified target goals for three years ending after the 2008-2009 school year. Additionally, Section 8 VAC 20-131-300 of the *Regulations Establishing Standards for Accrediting Public Schools in Virginia* (SOA), adopted by the VBOE in July 2009, requires school divisions with *Accreditation Denied* schools to enter into a MOU with the VBOE and implement a corrective action plan to improve student achievement in the identified schools. In November 2009 a revised MOU was approved by the Board of Education. Since Petersburg City Public Schools has schools in *Accreditation Denied* status for the 2009-2010 academic year based on 2008-2009 results, the current MOU for division-level academic review also serves as the MOU to satisfy Section 8 VAC 20-131-310. As a part of the proposed MOU, a corrective action plan must be developed. The current MOU will be in place until all schools are fully accredited. Under the current MOU, the Petersburg City School Board and central office staff adopted two key priorities: *leadership capacity* and *teacher quality*.
- The VBOE and the VDOE have continued to assign a CAO to work with the superintendent and administrative staff to develop, coordinate and monitor the implementation of processes, procedures, and strategies associated with the corrective action plan resulting from the proposed MOU. The CAO coordinates with VDOE offices to provide technical assistance in support of the MOU and corrective action plan. The CAO has administrative authority over processes, procedures, and strategies that are implemented in support of the MOU and funded by targeted federal and state funds with subsequent review and approval by the Petersburg City School Board.
- Petersburg City Public Schools has continued to provide the CAO with an office in the central administration office; telephone, computer, and printer access, and clerical support, as needed.
- As a part of the MOU, the Petersburg City School Board continues to provide summative reports on progress made in meeting or exceeding MOU agreements and expectations to the VBOE and VDOE, as requested.
- The November 2006 MOU specified that a contingency plan be developed if the schools did not meet school accreditation targets:
The Petersburg School Board, Virginia Board of Education and the Department of Education will develop a contingency plan for major restructuring to be in place for the 2007-2008 school year if significant improvements in student

achievement and school accreditation do not occur for the 2006-2007 school year. The decision to begin the planning for restructuring will be based on reports provided by Petersburg Public Schools to both the Virginia Board of Education and department staff as well as recommendations made by the CAO throughout the year.

- Although the development of the contingency restructuring plan was implemented one year later than planned in the November 2006 MOU, a committee of outside experts from universities, community-based organizations working in Petersburg, the CAO, and department staff met during the 2007-2008 year after assessments given in 2006-2007 resulted in the school division not meeting accountability goals of the MOU for two consecutive years. This committee developed an instructional intervention to be led by an outside entity for middle school students and parents (by choice of entry into the intervention) to begin in 2009-2010.
- This plan was based in part on the work of Mass Insight Education and the concept of a turnaround zone. The committee agreed that the plan should include an outside partner to develop and implement a comprehensive “school within a school” model for middle grade students. The committee presented this plan at the June 18, 2008, meeting of the Virginia Board of Education, School and Division Accountability Committee. This plan met the following conditions agreed upon by the VBOE and Petersburg City Public Schools:
 1. Alternative governance.
 2. Choice option for middle school students and parents.
 3. Research-based focus on core content.
 4. Recruitment, selection, and supervision of highly qualified personnel by an independent entity.
 5. Proven track record of educational success.
- At that time, federal school improvement funds that were allocated only to local education agencies (LEAs) with schools in improvement were available to cover the start-up costs for program development and implementation planning. On November 20, 2008, the VBOE requested that the Petersburg City School Board plan for the implementation of the contingency restructuring proposal in the 2009-2010 school year and authorized the VDOE to assist Petersburg City Public Schools in such planning by providing available federal resources. On April 30, 2009, Petersburg City Public Schools reported to the VBOE that a turnaround partner could not be secured. The VBOE requested that a vendor be selected no later than August 15, 2009, with implementation for students occurring no later than January 2010. However, after considering the difficulty that Petersburg City Public Schools had experienced in securing a Lead Turnaround Partner (LTP), on October 29, 2009, VDOE began the procurement process to request proposals from qualified sources to serve as LTPs on an as needed, when needed basis, to develop and implement academic programs for one or more of the core discipline areas of mathematics, science, social studies and language arts for students in persistently low-achieving public schools. Persistently low-achieving schools for the purpose of this procurement were those schools that were denied accreditation and/or were in restructuring as sanctioned by the *No Child Left Behind Act of 2001*.
- On April 1, 2010, the VDOE made multiple contract awards from which applicable divisions, a group of schools or individual schools within a region can select an LTP. On April 7, 2010, VDOE introduced the four selected vendors for the Lead Turnaround Partner contract list to divisions with schools identified as persistently low-achieving. Petersburg City Public Schools attended this technical assistance activity. At this time, funding for the Lead Turnaround Partner was discussed.
- Petersburg City Public Schools has two schools currently identified as persistently low-achieving as required by the State Fiscal Stabilization Fund (SFSF) – Phase II requirements: Peabody Middle School (Tier 1) and Petersburg High School (Tier II. B.). For the purposes of federal funding available under 1003(g) of the *No Child Left Behind Act of 2001*, a persistently lowest-achieving school is defined as:

A Title I school in improvement, corrective action, or restructuring that is among the lowest-achieving five percent of Title I schools in improvement, corrective action, or restructuring based

on the academic achievement of the “all students” group in reading/language arts and mathematics combined and the school has not reduced its failure rate in reading/language arts and/or mathematics by 10 to 15 percent each year for the past two years (Tier I); or

A. A secondary school that is eligible for, but does not receive, Title I funds that is among the lowest-achieving five percent of schools based on the academic achievement of the “all students” group in reading/language arts and mathematics combined and the school has not reduced its failure rate in reading/language arts and/or mathematics by 10 to 15 percent each year for the past two years (Tier II. A.); or

B. A high school that has had a graduation rate as defined in 34 CFR 200.19(b) that is less than 60 percent for two years (Tier II. B.)

- In order to receive 1003(g) funding under NCLB to serve Tier III schools (other schools in improvement including A. P. Hill Elementary, J. E. B. Stuart Elementary, and Vernon Johns Junior High School), Petersburg City Public Schools must agree to serve its Tier I school, Peabody Middle School. Also, for this funding, Peabody Middle School is required to implement one of four approved USED models: closure, restart, turnaround, or transformation.
- USED does not require Petersburg City Public Schools to serve Petersburg High School, the Tier II. B. school. As indicated by a review of Petersburg’s data, Grades 6-9 are major areas of concern with regard to student achievement, and as a result of a grade configuration changes that occurred in 2008-2009, grade 9 students are no longer served at Petersburg High school.
- Instead Petersburg High School now serves students in grades 10-12; Vernon Johns Junior High serves students in grades 8 and 9 and Peabody Middle School serves students in grades 6 and 7. The impact of the challenges to the middle grades on the high school is demonstrated in the NCLB graduation rate change at Petersburg High School falling from 56 percent in 2007-2008 to 53 percent in 2008-2009.
- For this reason, Petersburg City Public Schools has asked for permission to serve Peabody Middle School and Vernon Johns High School with 1003(g) funding using the transformation model at both schools. Although the transformation model is not required at a Tier III school, this would allow a Lead Turnaround Partner to support the operation of multiple smaller learning communities. These would be housed in both Peabody Middle School and Vernon Johns High School. Hopefully, this kind of commitment to increase student achievement will better prepare students to graduate from high school on time. Under the requirements of USED for 1003(g) funding, this is allowable.
- However, because of the impact of a grade configuration change that occurred several years ago, Petersburg City Public Schools asked VDOE for authorization to serve its middle grades, 8-9, by providing funding to both Peabody Middle School (Tier I) and Vernon Johns Middle School (Year 7 of NCLB). In this consolidation, Petersburg High School was changed from a grade configuration of 9-12 to 10-12. Peabody Middle school was changed from a grade configuration of 6-8 to grades 6-7. Vernon Johns High School was changed from a grade configuration of 6-8 to 8-9.
- The Petersburg City Public Schools will be completing an application for 1003(g) funds due in June 2010. Petersburg City Public Schools has asked for funding in the amount of \$1.7 million for Peabody Middle School and \$1.3 million for Vernon Johns High School over the next three years. This funding will be approved if Petersburg City Public Schools completes a grant application and continues to meet the requirements for funding as required by USED.

The Board received the report.

**First Review of Proposed Amendment to Virginia’s Consolidated State Application
Accountability Plan Under the No Child Left Behind Act of 2001**

Dr. Deborah Jonas, executive director for research and strategic planning, presented this item. Dr. Jonas said that in October 2008, the United States Department of Education (USED)

issued final regulations governing programs administered under Part A of Title I of the Elementary and Secondary Education Act of 1965, as amended (ESEA). The new regulations require Virginia to submit to the Secretary of Education, for approval, revisions to its accountability workbook to comply with accountability requirements for graduation rates. Requirements under the new regulations include reporting four-year cohort graduation rates for all schools, school divisions, and the state for all student subgroups. The regulations also require that Virginia establish a statewide goal for graduation rates that all high schools are expected to meet; and establish targets for continuous and substantial improvement in graduation rates.

In January 2010, the Virginia Board of Education submitted to the USED proposed changes to its federal accountability workbook to meet requirements of regulations passed in December 2008 pertaining to graduation rates. Specifically, Virginia requested to report a four, five, and six year graduation rate consistent with the federally prescribed methodology. The Virginia Department of Education (VDOE) has received verbal feedback that the request would be approved. Virginia further requested a waiver from certain provisions of the federal regulation and requested that Virginia be permitted to use its state regulatory calculation, the Graduation and Completion Index, for purposes of federal accountability. VDOE received recent verbal feedback that this request would not be approved.

Revisions are being proposed to elements in the Consolidated State Application Accountability Plan to comply with federal regulations pertaining to graduation rates issued in October 2008, based on verbal feedback from USED that the plan to apply the Graduation and Completion Index to AYP calculations would not be approved.

The regulations require that Virginia establish a statewide goal for graduation rates that all high schools are expected to meet; and establish targets for continuous and substantial improvement in graduation rates. The proposed revisions will apply to schools' and school divisions' adequate yearly progress (AYP) determinations.

Mr. Foster made a motion to accept for first review the proposed amendments to the Virginia Consolidated State Application Accountability Plan. The motion was seconded by Dr. Ward and carried unanimously.

The proposed amendments are as follows:

Annual Measurable Objectives for Graduation Rate (Critical Element 3.2b) and Targets for Continuous and Substantial Improvement (§200.19(b)(3)(i).)

Request

Virginia will report and use for federal reporting and accountability an adjusted cohort graduation rate that does not permit students to have their cohort adjusted regardless of English language learner or disability status, and only includes Virginia's standard and advanced studies diplomas in the numerator. The federal adjusted cohort graduation rate defined in regulation is based on cohorts of students who enter ninth grade for the first time; it is adjusted for students who transfer in, transfer out, or are deceased. Virginia will report four-, five-, and six-year federal adjusted cohort graduation rates as they become available. Virginia will report the federal adjusted cohort graduation rate beginning with the ninth grade cohort of 2004-2005; four-year graduates from this cohort would have earned diplomas by the end of the 2008 school year.

Virginia will use the federal adjusted cohort graduation rate for purposes of making adequate yearly progress (AYP) determinations beginning in the summer of 2010. Virginia requests the following be approved for making AYP determinations:

- Statewide goal: 80 percent of students graduate with a regular diploma in four, five, or six years.
- Targets for continuous and substantial improvement: 10 percent reduction in the percent of non-graduating students from the previous year applied only to the four-year graduation rate.

For purposes of calculating AYP for the LEP subgroup, Virginia will apply a definition of LEP students that is consistent with the longitudinal nature of the accountability measure. English language learners who meet the federal definition of LEP at any time since first entering the adjusted cohort will be included in the LEP student subgroup for purposes of accountability. This would include all students identified as LEP for calculating the pass rates for federal accountability, *and* students who were identified as LEP at any time since first entering ninth grade or otherwise transferring into the adjusted cohort. Virginia's educators are committed to educating all students. Students who were identified as LEP in the early years of high school but are no longer part of the LEP subgroup when they graduate have benefitted from the instruction that our schools provide; our accountability system should reflect their commitment and successes.

Because the complete data on student graduation and completion rates, including summer graduates, are not available until after AYP determinations are made each year, Virginia will calculate adequate yearly progress based on the previous year's graduation rates. This will permit the calculations to be available in time to make AYP determinations before the beginning of the school year.

Rationale

VDOE was notified that USED would not approve Virginia's request to waive certain provisions of CFR §200.19 as requested previously. Conversations with staff at USED and a review of approved goals and targets from other states indicates that this approach complies with the federal regulations and accompanying non-regulatory guidance provided by USED. The approach establishes a statewide graduation rate goal that is consistent with state accountability requirements. The targets for continuous and substantial improvement are challenging and recognize school and school division efforts to improve high school graduation rates.

DISCUSSION OF CURRENT ISSUES

Dinner Session

The Board met for dinner at the Crowne Plaza Hotel with the following members present: Mrs. Castro, Mr. Foster, Mr. Johnson, Mr. Krupicka, Dr. McLaughlin and Mrs. Saslaw. A brief discussion took place about general Board business. No votes were taken, and the dinner meeting ended at 8:30 p.m.

ADJOURNMENT

There being no further business of the Board of Education and Board of Career and Technical Education, Mrs. Saslaw adjourned the meeting at 11:52 a.m.

President